



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 6, 2016

TO: Mayor and Councilmembers

FROM: Operations Division, Waterfront Department

SUBJECT: Introduction Of An Ordinance Amending Municipal Code Provisions Pertaining To Harbor Slip Assignments

RECOMMENDATION:

That Council introduce and subsequently adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Amending the Municipal Code by Amending Section 17.20.005 of Chapter 17.20 of Title 17 Pertaining to Harbor Slip Assignments.

BACKGROUND:

Waterfront Department staff annually reviews Title 17 of the Santa Barbara Municipal Code to identify sections requiring amendment that will help provide a clear legal framework for administering and implementing Department policies and programs. This year, staff focused on two items in MC 17.20.005 (Slip Assignment Policy).

DISCUSSION:

A. MC 17.20.005 B.3. Replacement Vessel

This section currently provides a slip permittee 120 days to replace a vessel that is sold, donated, stolen, destroyed or otherwise permanently removed from a slip. This limited time frame presents two related problems. First, after a boater settles affairs related to the sale of his/her vessel, at least 30 days have typically passed, leaving only 90 days to place another boat in the slip. Second, unless the permittee is already negotiating to buy another boat, shopping (often internationally) for his/her vessel of choice can take time. In order to meet the time requirements placed by the Municipal Code, a slip permittee will often find it necessary to place a "filler" boat in the slip, often an illegal sub-rental on whose title the slip permittee must remain until he/she locates a boat he/she wishes to buy.

Extending the time for replacing a sold, donated, stolen or destroyed boat from 120 to 180 days would allow more time for a slip permittee to shop for a new vessel and

reduce the need to place a temporary, substitute boat in the permittee's slip. It would also provide more berthing opportunities for visiting boats during the 180-day period.

B. MC 17.20.005 C.4. (b) 3 Lottery List Assignment Fee

Since the 1970s, the Waterfront Department has maintained a waiting list for assigning slip permits that revert to the City, either by voluntary relinquishment or permit termination. In 2005, City Council adopted a new waiting-list structure with three categories: Master Waiting List, Sub-Master Waiting List and Lottery Waiting List.

The Master Waiting List includes applications by slip-size category, ranked by date of application. It has been closed to new applicants since 2000. If a slip permit of a certain size is available for assignment, but that slip-size category on the Master Waiting List has been exhausted, Department staff defers to the Sub-Master Waiting List.

The Sub-Master Waiting List ranks all Master Waiting List applicants by application date, regardless of slip-size category. An applicant who has been on the Sub-Master Waiting List the longest may accept or decline a slip permit offer from the exhausted slip-size category. If they decline the offer, the offer is repeated down the Sub-Master Waiting List. If no one on the Sub-Master Waiting List accepts the offer, Department staff defers to the Lottery Waiting List.

The Lottery Waiting List, limited to 50 individuals, is utilized if an offered slip permit is not accepted by applicants on the Sub-Master Waiting List.

When City Council adopted this new waiting-list structure, it included a requirement that (unlike assignments from the Master or Sub-Master lists) anyone assigned a slip permit from the Lottery Waiting List must pay an "Assignment Fee" equal to the Department's slip transfer fee at the time. The intention was to dissuade people from transferring Lottery List permits for profit instead of using them for boating. The unintended effect has been to make assignments from the lottery list prohibitively expensive.

Only the smallest slips, typically 20-footers, have been available to Lottery List applicants as applicants on the Sub-Master List are typically waiting for larger slips. Due to the high cost of the "Assignment Fee" (\$4,000 for a 20-foot slip), slips often go unassigned and the Department has, at times, ended up with several unassigned 20-foot slips. Elimination of the Lottery List Assignment Fee would expedite assignment of these permits.

CONCLUSION

The proposed recommendations will help accommodate slip permittees wishing to purchase replacement boats for their slips, eliminate burdensome financial requirements for Lottery Waiting List applicants and increase boating opportunities for

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the public. On August 9th, Ordinance Committee voted to forward the proposed Ordinance to City Council.

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APPROVED BY: City Administrator's Office